

REMARKS

Amendments to claims 13-17, 19, and 31-34 are to change the form of the claims. Amendments to claims 1 and 18 are for the purpose of clarifying what Applicant regards as the claimed invention. Amendments to claims 2-12 and 20-30 are to correct antecedent basis. No new matter has been added.

Applicant wishes to thank the Examiner for withdrawing the restriction requirement, and for examining claims 1-34.

I. Claim Rejections under 35 U.S.C. § 103.

Claims 1-34 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 7,349,549 (Bächler) in view of U.S. Patent No. 6,366,622 (Brown).

Claim 1

Claim 1 describes that the controller is adapted to, upon receipt of an interrogation data received message from another device, *act as a master of the network* in a connected mode *by repetitively controlling the transceiver to transmit synchronization data at intervals that are longer than intervals between the transmitted interrogation data in the acquisition mode* (Emphasis Added). Thus, claim 1 includes the feature that the hearing aid is acting as a master when in a connected mode. Applicant agrees with the Examiner that Bächler does not disclose or suggest such controller.

According to the Office Action, column 5, lines 29-30, and column 24, lines 24-25 of Brown allegedly disclose such controller. However, Applicant respectfully notes that the cited passages of Brown actually does not disclose or suggest any controller that acts as a master of the network *upon receipt of an interrogation data received message from another device*. In addition, the cited passages of Brown also do not disclose or suggest any controller that acts as a master in the manner described in claim 1 – i.e., by *repetitively transmitting synchronization data at intervals that are longer than intervals between the transmitted interrogation data in the acquisition mode*. Notably, column 24, lines 24-25 of Brown actually states “The maximum frequency hopping rate is 1600 hops/s, or 3200 hops/s for Inquiry or Page.” Thus, this cited passage of Brown does not describe a controller that transmits synchronization data at intervals that are longer than intervals between transmitted interrogation data in an acquisition mode.

Since both Bächler and Brown do not disclose or suggest the above limitations, any purported combination of these references cannot result in the subject matter of claim 1. For at

least the above reasons, claim 1 and its dependent claims are believed allowable over Bächler, Brown, and their combination.

Furthermore, Applicant notes that according to paragraph 7 of the subject application, configuring a hearing aid to be a master is advantageous because it will transmit more often than it will receive data, as data transmission is less power consuming than data reception. Thus, the subject matter of claim 1 is advantageous over the systems of Bächler and Brown. It is important to note that Brown actually teaches that the “slaves” may enter HOLD, SNIFF and PARK modes for saving power (column 5, line 49 to column 6, line 2). Since Brown specifically teaches a technique for allowing a *slave* to save power, Brown actually teaches away from configuring a device to save power by being a master. For this additional reason, claim 1 and its dependent claims should be allowable over Bächler, Brown, and their combination.

Claim 18

Claim 18 has been amended to recite that the first hearing aid is configured to *act as a master of the wireless network* to thereby perform data transmission more often than data reception. As similarly discussed, Bächler and Brown do not disclose or suggest such limitation, and Brown in fact teaches away from the above limitation. Thus, claim 18 and its dependent claims are believed allowable over Bächler, Brown, and their combination.

Also, Applicant respectfully notes that Bächler and Brown do not disclose or suggest that the hearing aid, by being a master, performs data transmission more often than data reception. For this additional reason, claim 18 and its dependent claims are believed allowable over Bächler, Brown, and their combination.

Claims 3 and 21

Claim 3 recites that the controller, in the acquisition mode, is further adapted to enable the transceiver to receive data from the network in certain time periods during which transmission of synchronization data is *inhibited* (Emphasis Added). Claim 21 recites similar limitations. According to pages 4 and 9 of the Office Action, column 3, lines 66-67 of Brown allegedly disclose full duplex transmission. However, Applicant respectfully notes that in full duplex transmission, data transmission is not inhibited. Thus, the cited passage of Brown does not disclose or suggest the above limitations, and in fact teaches away from them. For these additional reasons, Applicant respectfully submits that claims 3 and 21 are allowable.

Claims 15 and 32

Claim 15 recites a fitting system. Claim 32 recites similar limitations. According to

pages 6 and 11 of the Office Action, column 7, lines 35-37 of Bächler allegedly disclose a remote control, which is analogized as the claimed fitting system. As is well known in the art of hearing aid, a fitting system is specifically for use by a technician to fit a hearing aid for a user during a fitting process. There is nothing in Bächler that discloses or suggests that the remote control is a fitting system. Rather, quite the contrary, Bächler describes that the remote control is for allowing a user to adjust an overall gain and/or to select programs. Thus, the remote control is not for use by a technician to fit a hearing aid for a user, nor is the remote control for use in a fitting process for a user.

In addition, Applicant notes that claims 14 and 31 recite a “remote control.” Since different claim terms are presumed to mean different things, it would be improper to consider the limitation “fitting system” as a remote control.

For these additional reasons, Applicant respectfully submits that claims 15 and 32 are allowable.

CONCLUSION

If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **GNR P466 PCT US**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **GNR P466 PCT US**.

Respectfully submitted,

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